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3 ■Allman & Nielsen, P.C. ■
4 100 Larkspur Landing Circle, Suite 212
5 Larkspur, CA 94939
6 Telephone: 415.461.2700
7 Facsimile: 415.461.2726

8 Attorneys for Defendants
9 ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION AND SPECIALLY
10 APPEARING DEFENDANTS CHARLES BLAKENEY AND PURPORTED
11 ENTITIES ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE
12 MANOR BOARD OF DIRECTORS

13 IN THE UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 CHRISTINE CHANG, individually and as Guardian ad
16 Litem for ERIC SUN, disabled

17 Plaintiffs,

18 v.

19 ROCKRIDGE MANOR CONDOMINIUM, ROCKRIDGE
20 MANOR HOMEOWNERS' ASSOCIATION;
21 ROCKRIDGE MANOR BOARD OF DIRECTORS;
22 ROCKRIDGE MANOR PRESIDENT OF BOARD OF
23 DIRECTORS CHARLES BLAKENEY; ROCKRIDGE
24 MANOR MANAGER EVA AMMANN; TRUCK
25 INSURANCE EXCHANGE; AND DOES 1-30, inclusive,
26 JOINDER

27 UNIVERSITY OF CALIFORNIA BERKELEY; UC
28 BERKELY CHANCELLOR ROBERT BIRGENEAU; UC
29 BERKELEY PUBLIC RECORDS COORDINATOR
30 ALAN KOLLING; UC BERKELEY GENERAL
31 COUNSEL SUSAN VON SEEBURG; UC BERKELEY
32 POLICE DEPARTMENT CHIEF VICTORIA
HARRISON; UC BERKELEY POLICE DEPARTMENT
LIEUTENANT ADAN TEJADA; UC BERKELEY
POLICE DEPARTMENT MANAGER TOM KLATT; UC
BERKELY POLICE DEPARTMENT DISPATCHER
CONSTANCE PEPPERS CELAYA; and DOES 31-60,
inclusive,

JOINDER

PAMELA ZIMBA, ATTORNEY AT LAW; ALBERT
COOMBES, ATTORNEY AT LAW; and DOES 61-90,
inclusive,

I, Paul A. Conroy, do declare as follows:

**DECLARATION OF PAUL A CONROY IN SUPPORT OF
DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS'
ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR
CONODINIUM AND ROCKRIDGE MANOR BOARD OF
DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND IN
OPPOSITION TO MOTION FOR DEFAULT JUDGMENT AND
LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR
SUMMARY JUDGMENT**

Case No.: C07-4005 EMC

**DECLARATION OF PAUL A
CONROY IN SUPPORT OF
DEFENDANTS ROCKRIDGE
MANOR HOMEOWNERS'
ASSOCIATION, CHARLES
BLAKENEY, ROCKRIDGE MANOR
CONDOMINIUM AND ROCKRIDGE
MANOR BOARD OF DIRECTORS'
MOTION FOR RELIEF FROM
DEFAULT AND LEAVE TO FILE
MOTION TO DISMISS AND
MOTION FOR SUMMARY
JUDGMENT**

Date:

Time:

Room: C

Judge: Magistrate Judge Edward M. Chen

ALLMAN & NIELSEN, P.C.
100 Larkspur Landing Circle, Suite 212
Larkspur, CA 94939
Telephone: 415.461.2700 Facsimile: 415.461.2726

1 I am an attorney at law duly licensed to practice law in the State of California. I am admitted
2 to practice in the United States District Court, Northern District of California.

3 I am of counsel to Allman & Nielsen, P.C., which was counsel of record for defendant
4 Rockridge Manor Homeowners' Association and other defendants in the Alameda County Superior
5 Court action no. 2001-123364, entitled Chang v. Ammann, et al. Allman & Nielsen, P.C. is
6 representing Rockridge Manor Homeowners' Association in this action.

7 On October 10, 2007, Kevin O'Dwyer, Claims Representative with Farmers Insurance
8 Company, telephoned me to inquire as to whether Allman & Nielsen, P.C. had defended Rockridge
9 Manor Condominium Association in the Chang v. Ammann matter. Mr. O'Dwyer advised that a
10 Request to Enter Default had been received in this action, and advised that, pending approval of his
11 supervisor, and following the necessary processing of the claim, Allman & Nielsen, P.C., would be
12 retained to defend this action.

13 Thereafter, on October 18, 2007, Allman & Nielsen, P.C. received authorization to proceed
14 to defend the action. The next day I contacted Amelio Zunino, manager of the Rockridge Manor
15 Homeowners Association, Charles Blakeney, a member of the Board of Directors and its former
16 president, and Scott Halbrook, the Farmers Insurance Agent.

17 It was not until I spoke with Amelio Zunino on October 19, 2007 that I learned from him
18 that copies of the summons and complaint had been personally delivered to him on September 7 or
19 10, 2007.

20 I believe that several defenses are available to moving parties, including the defense
21 afforded by the release and dismissal in the Chang v. Amman state court action. I believe that the
22 release executed by plaintiffs in the state court action bars this action. Additional defenses are the
23 statute of limitations and other defenses as asserted in the accompanying Motion to Dismiss.

24 The Motion for Relief from Default is not made for the purpose of delay, but rather for the
25 purpose of setting aside the default in order that meritorious defenses can be raised, defenses which
26 I believe to be full and complete defenses to this action.

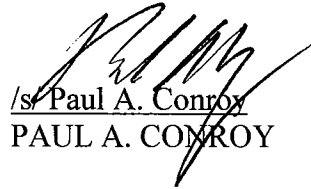
27 During my October 30, 2007 telephone conversation with plaintiff Christine Chang, she
28 agreed to consider signing a stipulation to set aside the default. I plan to send a stipulation and
29 proposed order setting aside the defaults to Ms. Chang this week. However, I am proceeding to file
30

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1 this motion in view of the possibility that Ms. Chang does not agree to voluntarily set aside the
2 defaults.

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4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct and that this declaration was executed on October 31, 2007 in Larkspur,
6 California.

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10 /s/ Paul A. Conroy
11 PAUL A. CONROY
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PROOF OF SERVICE

I am a citizen of the United States and employed in Marin County, California. I am over the age of eighteen years and not a party to the within action. My business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California 94939-1743.

On this date I served the foregoing documents described as:

DECLARATION OF PAUL A CONROY IN SUPPORT OF DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR CONODMINIUM AND ROCKRIDGE MANOR BOARD OF DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND IN OPPOSITION TO MOTION FOR DEFAULT JUDGMENT AND LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT

on the interested parties in the action by placing [] the original [x] a true copy thereof, enclosed in a sealed envelope addressed as follows:

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501
Telephone (510) 769-8232

Pro Se, individually and as Guardian ad Litem
for ERIC SUN, disabled

Gaylyn Kirm Conant
LOMBARDI, LOPER & CONANT, LLP
Lake Meritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612
Telephone: (510) 433-2600
Facsimile: (510) 433-2699

Attorney for Defendants
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, ROBERT BIRGENEAU,
CONSTANCE PEPPERS CELAYA, ADAN
TEJADA, VICTORIA HARRISON, ALLAN
KOLLING, TOM KLATT AND SUSAN VON
SEEBURG

Lee J. Danforth
Coddington Hicks & Danforth
555 Twin Dolphin Drive Suite 300
Redwood City CA 94065
Telephone: (650) 592-5400

[] **BY MAIL:** I deposited such envelope with postage thereon fully prepaid in the mailbox regularly maintained by the delivery service carrier at Larkspur, California.

[] **BY PERSONAL SERVICE:** I delivered such envelope by hand to the addressee.

[] **BY FACSIMILE:** I sent such document via facsimile to the facsimile machine of the addressee.

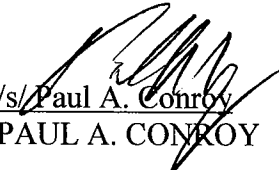
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2 [x] **BY E-MAIL:** I transmitted a true electronic copy of the foregoing documents by e-mail to
3 Christine Chang's e-mail address: Christie1chang@peoplepc.com, Gaylyn Kim Conant's
4 email address: gkc@llcllp.com, and Lee Danforth's email address:
LDanforth@CHDLAWYERS.com

5 I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct to the best of my knowledge.

7 Executed on November 2, 2007, at Larkspur, California.

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10 /s/ Paul A. Conroy
11 PAUL A. CONROY
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